

HONORABLE J. KELLEY ARNOLD

04-4984

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RYAN FOSTER,

Plaintiff,

vs.

J.C. PENNEY CORPORATION, INC., a  
Corporation doing business in the State of  
Washington,

Defendants.

NO: 04 5655 JKA

**STIPULATION AND ORDER OF  
DISMISSAL**

**IT IS HEREBY STIPULATED** by and between the parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice, pursuant to FRCP 41(a)(1).

**DATED** this 30th day of September, 2005.

/s/RUTH MOEN

**WSBA # 17250**

**LEONARD W. MOEN & ASSOCIATES**

Attorneys for Plaintiff Ryan Foster  
1107 SW Grady Way, Suite 100

LAW OFFICES

**Gierke, Curwen, Metzler & Erie, P.S.**

STIPULATION AND ORDER OF  
DISMISSAL - 1  
04 5655 JKA

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**DATED** this 3rd day of October, 2005.

/s/ REBECCA M. LARSON  
**WSBA # 20156**  
**GIERKE, CURWEN, METZLER & ERIE, P.S.**  
Attorneys for Defendant J.C. Penney Company  
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**ORDER**

Based upon the foregoing Stipulation of Counsel, it is hereby

**ORDERED, ADJUDGED AND DECREED** that the above-entitled matter be and the same is hereby dismissed with prejudice and without costs to any party herein.

**DONE** this 4<sup>th</sup> day of October, 2005.

/s/ J. Kelley Arnold  
**HONORABLE J. KELLEY ARNOLD,**  
**U.S. MAGISTRATE JUDGE**

LAW OFFICES

**Gierke, Curwen, Metzler & Erie, P.S.**

STIPULATION AND ORDER OF  
DISMISSAL - 2  
04 5655 JKA

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**PROOF OF SERVICE**

I hereby certify that on October 4, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Rebecca M. Larson, and Ruth Moen.

/s/ REBECCA M. LARSON

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STIPULATION OF DISMISSAL - 3  
04 5655 JKA

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